

HOUSE No. 1688

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Posing or Exhibiting or Disseminating Material of an Elder or a Person with a Disability in a State of Nudity or Sexual Conduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kathi-Anne Reinstein	16th Suffolk
Frederick E. Berry	Second Essex
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Thomas P. Kennedy	Second Plymouth and Bristol
Pam Richardson	6th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO POSING OR EXHIBITING OR DISSEMINATING MATERIAL OF AN ELDER OR A PERSON WITH A DISABILITY IN A STATE OF NUDITY OR SEXUAL CONDUCT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. SECTION 29A OF CHAPTER 272 OF THE GENERAL LAWS, AS APPEARING IN THE **2006** OFFICIAL EDITION, IS HEREBY AMENDED AS FOLLOWS -

A. BY INSERTING IN THE TITLE OF SAID SECTION 29A AFTER THE WORD "CHILD" AND BEFORE THE WORDS "IN STATE" THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

B. SUBSECTION (A) OF SAID SECTION 29A IS HEREBY AMENDED AS FOLLOWS-

BY INSERTING AFTER THE WORD "AGE" AND BEFORE THE WORD "OR" AS SO APPEARING ON LINE 2 THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (A) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORD "AND" AS SO APPEARING ON LINE 4 THE WORDS "AN ELDER OR A PERSON WITH A DISABILITY."

SUBSECTION (A) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "CHILD" AND BEFORE THE WORD "TO" AS SO APPEARING ON LINE 6 THE WORDS ",ELDER OR PERSON WITH A DISABILITY"

SUBSECTION (A) IS FURTHER AMENDED BY INSERTING AFTER THE LAST SENTENCE AS SO APPEARING THE FOLLOWING SENTENCE -

"FOR PURPOSES OF THIS SECTION "AN ELDER" AND "A PERSON WITH A DISABILITY" SHALL BE DEFINED AS THOSE TERMS ARE DEFINED IN SECTION 13K OF CHAPTER 265."

C. SUBSECTION (B) OF SAID SECTION 29A IS HEREBY AMENDED AS FOLLOWS -

BY INSERTING AFTER THE WORD "AGE" AND BEFORE THE WORDS "OR WHILE" AS SO APPEARING ON LINE 12 THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (B) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORD "HIRES" AS SO APPEARING ON LINE 14 THE WORDS "AN ELDER OR A PERSON WITH A DISABILITY,"

SUBSECTION (B) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "CHILD" AND BEFORE THE WORDS "TO PARTICIPATE" AS SO APPEARING ON LINE 15 THE WORDS "AN ELDER OR A PERSON WITH A DISABILITY"

D. SUBSECTION (C) OF SAID SECTION 29A IS HEREBY AMENDED AS FOLLOWS -

BY INSERTING AFTER THE WORD "MINOR" AND BEFORE THE WORDS "SHALL BE DEEMED" AS SO APPEARING ON LINE 22, THE WORDS "OR AN ELDER OR A PERSON WITH A DISABILITY ADJUDICATED AS INCOMPETENT BY A COURT OF THE COMMONWEALTH"

E. SUBSECTION (D) OF SAID SECTION 29A IS HEREBY AMENDED AS FOLLOWS-

BY INSERTING AFTER THE WORD "AGE" AND BEFORE THE WORDS "MAY BE" AS SO APPEARING ON LINE 27 THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (D) IS FURTHER AMENDED BY STRIKING THE WORD "CHILD" AFTER THE WORDS "MATERIAL THAT THE" AND BEFORE THE WORD "THEREIN" AS SO APPEARING ON LINE 29 AND INSERTING IN PLACE THEREOF THE WORD "PERSON"

SUBSECTION (D) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORDS "OR BY AN EXPERT" AS SO APPEARING ON LINE 30 THE WORDS "OR TO BE AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (D) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORDS "OF THE PERSON" AS SO APPEARING ON LINE 31 THE WORDS "OR DISABILITY"

SECTION 2. SECTION 29B OF CHAPTER 272 OF THE GENERAL LAWS, AS APPEARING IN THE 2006 OFFICIAL EDITION, IS HEREBY AMENDED AS FOLLOWS -

A. BY INSERTING IN THE TITLE OF SAID SECTION 29B AFTER THE WORD "CHILD" AND BEFORE THE WORDS "IN STATE" THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

B. SUBSECTION (A) OF SAID SECTION 29B IS HEREBY AMENDED AS FOLLOWS-

BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORD "KNOWING" AS SO APPEARING ON LINE 4 THE WORDS "AN ELDER OR A PERSON WITH A DISABILITY,"

C. SUBSECTION (B) OF SAID SECTION 29B IS HEREBY AMENDED AS FOLLOWS -

BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORD "KNOWING" AS SO APPEARING ON LINE 17 THE WORDS "AN ELDER OR A PERSON WITH A DISABILITY,"

D. SUBSECTION (C) OF SAID SECTION 29B IS HEREBY AMENDED AS FOLLOWS

BY STRIKING THE WORD "CHILD" AS SO APPEARING ON LINE 28 AND INSERTING IN PLACE THEREOF THE WORD "PERSON"

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE WORDS "HEREUNDER IS" AND BEFORE THE WORD "UNDER" AS SO APPEARING ON LINE 28 THE WORD "CHILD"

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE" AS SO APPEARING ON LINE 29 THE WORDS ", AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE WORDS "SUCH CHILD," AND BEFORE THE WORDS "BY THE TESTIMONY" AS SO APPEARING ON LINE 29 THE WORDS "ELDER OR PERSON WITH A DISABILITY "

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE WORD "AGE," AND BEFORE THE WORDS "BY TESTIMONY" AS SO APPEARING ON LINE 32 THE WORDS "OR TO BE AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE WORDS "PHYSICAL APPEARANCE" AND BEFORE THE WORDS "BY INSPECTION" AS SO APPEARING ON LINE 34 THE WORDS "OR THAT OF AN ELDER OR A PERSON WITH A DISABILITY"

SUBSECTION (C) IS FURTHER AMENDED BY INSERTING AFTER THE LAST SENTENCE AS SO APPEARING THE FOLLOWING SENTENCE -

"FOR PURPOSES OF THIS SECTION "AN ELDER" AND "A PERSON WITH A DISABILITY" SHALL BE DEFINED AS THOSE TERMS ARE DEFINED IN SECTION 13K OF CHAPTER 265."

E. SUBSECTION (D) OF SAID SECTION 29B IS HEREBY AMENDED AS FOLLOWS -

BY INSERTING AFTER THE WORD "MINOR" AND BEFORE THE WORDS "SHALL BE DEEMED" AS SO APPEARING ON LINE 37, THE WORDS "OR ELDER OR A PERSON WITH A DISABILITY ADJUDICATED AS INCOMPETENT BY A COURT OF THE COMMONWEALTH"

D. SUBSECTION (E) OF SAID SECTION 29B IS HERBY AMENDED AS FOLLOWS -

By inserting after the words "years of age" and before the words "was for" as so appearing on line 43 the words ", an elder or a person with a disability"